

REMARKS

This submission is in response to the Final Official Action dated November 10, 2004. Claim 1 has been amended. Claims 12-24 have been added. No new matter has been added. Claims 1-24 are pending. Claims 1-7 have been rejected. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

Telephone Interview

Applicant thanks Examiner Pedder for all of the courtesies extended in the telephone interview held on December 7, 2004, with Denise L. Poy. Applicant also thanks the Examiner for discussing the rejection of the claims and new claim language. Applicant presents herein the amendments described in the December 7, 2004 telephone interview.

Claim Rejection - 35 U.S.C. § 102(e)

Claims 1, 2, and 8 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,315,356 to Tolinski. Applicant respectfully traverses this rejection for the reasons set forth below.

Claim 1 is directed to a sunroof structure having a pair of left and right frame portions on the peripheral edges of a roof opening and a shade sliding rail for guiding a sunshade in the longitudinal direction, wherein the sunshade is freely inserted and removed from the shade sliding rail when the sunroof apparatus is incorporated in a vehicle body. As stated on page 10, lines 15-19, of the present Specification, by being able to insert and remove the sunshade, the sunshade can be easily replaced and the vehicle can be easily maintained.

Tolinski discloses a sunshade/sunscreen combo having sunroof reinforcing members 47 that are disposed longitudinally on the left and right sides of a roof opening. A sunscreen 25 is guided by channels 55 in the sunroof reinforcing members 47 as it is moved independent of a sunshade 20 and window 15. Tolinski's sunscreen 25, sunshade 20, and window 15 are guided

by the right and left sunroof reinforcing members 47 (Tolinski, column 2, lines 36-38). Tolinski's sunroof reinforcing members 47 are not illustrated in Figs. 1 and 4. If they were illustrated, however, it would be shown that the sunroof reinforcing members 47 extend along the length of the roof to allow the sunscreen 25, sunshade 20, and window 15 to move between an open position and a closed position.

Claim 1 states that "the sunshade is freely inserted to and removed from the shade sliding rail." Tolinski does not state that the sunscreen 25 is removable from the sunroof reinforcing members 47. The Examiner, however, states that the movement is inherent in Tolinski's design since, according to the Examiner, "there is no structure forward of the opening or rearward of the sunshade to hinder front removal."

It would not be obvious to leave one end of the sunroof reinforcing members 47 open to remove the sunscreen 25, since the sunroof reinforcing members 47 also guide the window 15 and the sunshade 20, which are not removable, between closed and retracted positions. Furthermore, as stated above, if Tolinski's sunroof reinforcing members 47 were illustrated in Figs. 1 and 4, it would be shown that the sunroof reinforcing members 47 extend to allow the sunscreen 25, sunshade 20, and window 15 to move between the closed and retracted positions. Therefore, removal of the sunscreen 25 is prevented by the parts of the vehicle that are positioned in front of the sunroof reinforcing members 47, such as the windshield and/or frame members at the front of the vehicle structure. Hence, Tolinski does not disclose or suggest all of the elements of the claimed invention, as set forth in claim 1.

The claimed invention is further distinguished from Tolinski's structure since claim 1 has been amended to state that the shade sliding rail is "downwardly concave." Tolinski does not disclose a downwardly concave shade sliding rail. Tolinski's sunroof reinforcing members 47 guide the sunscreen 25, sunshade 20, and window 15. As shown in Figs. 1 and 4, the sunscreen 25, sunshade 20, and window 15 move horizontally between the closed and retracted positions (Tolinski, column 2, lines 39-41). Tolinski's sunroof reinforcing members 47 are horizontal and are not downwardly concave, as set forth in claim 1. As stated on page 17, line 25, to page 18,

line 14, of the present Specification, a sunshade insertion/removal space S is formed when the shade sliding rail is downwardly concave. "Thus, the sunshade 9 can be inserted into the shade sliding rail 7c or removed from the shade sliding rail 7c without interfering with the vehicle body, and various kinds of parts and members of the sunroof apparatus 4" (page 18, lines 10-14, of the present Specification).

Thus, Tolinski does not teach or suggest all of the elements of the claimed invention set forth in claim 1. Claims 2 and 8 are dependent on claim 1 and are therefore also patentable for at least the same reasons. Based on the foregoing, the rejection of claims 1, 2, and 8 under 35 U.S.C. § 102(e) should be withdrawn, and reconsideration is respectfully requested.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 3-7 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Tolinski in view of U.S. Patent No. 4,056,274 to Jardin et al. ("Jardin"). Applicant respectfully traverses this rejection for the reasons set forth below.

The Examiner states that Tolinski does not disclose a cross member connecting Tolinski's frame portions and extending above the rails, but contends that Jardin discloses this feature of the present invention. The Examiner states that it would be obvious in view of Jardin to provide Tolinski with a cross member, such as Jardin's transport bridge 4, to connect Tolinski's frame portions and to extend above the rails and hence over the locus of the sunshade movement.

Jardin discloses a sliding roof 1 for a vehicle that can be drawn underneath a fixed roof portion 3 to open a roof opening 2. The sliding roof 1 is connected to a U-shaped transport bridge 4, and a slotted pipe 6 is guided in a tubular body 8 fixed to the transport bridge 4. A driving cable 5 is guided in the slotted pipe 6, which is mounted on the fixed roof portion 3 of the vehicle. The driving cable 5 is displaced in the longitudinal direction by a motor (not shown), and during this displacement, the transport bridge 4 is also moved, thereby moving the sliding roof 1 (Jardin, column 2, lines 31-45).

First, as described above in connection with the rejection of claim 1 under 35 U.S.C. § 102(e), Tolinski does not disclose that the sunscreen can be freely inserted to and removed from the sunroof reinforcing members 47, as contended by the Examiner, since the sunroof reinforcing members 47 extend along the length of the roof and prevent the sunscreen 25 from being removed therefrom. Additionally, Tolinski does not disclose a "downwardly concave" shade sliding rail since Tolinski's sunroof reinforcing members 47 are horizontal and guide the window 15, sunshade 20, and sunscreen 25 horizontally.

Jardin also does not disclose or suggest that a sunscreen can be freely inserted to and removed from a shade sliding rail. Jardin's sliding roof 1 is connected by a lever mechanism 7 to the transport bridge 4 and is not removeable. Furthermore, Jardin also does not disclose a downwardly concave shade sliding rail since Jardin's cable and is displaced in a longitudinal direction. The sliding roof 1 is displaced by the movement of the cable and lever mechanism 7 in the longitudinal direction. Therefore, the sliding roof 1 is not guided by a downwardly concave shade sliding rail as set forth in claim 1. Thus, neither Jardin nor Tolinski discloses or suggests all of the elements of claim 1.

Claims 3-7 are dependent on claim 1 and are therefore also patentable for at least the same reasons. Based on the foregoing, the rejection of claims 3-7 under 35 U.S.C. § 103(a) should be withdrawn, and reconsideration is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: February 1, 2005

Respectfully submitted,

By Denise L. Poy
Denise L. Poy
Registration No.: 53,480

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicants